IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

Crl.Rev.Pet.No. 1506 of 2007()

CRA.122/2005 of ADDL.SESSIONS FAST TRACK COURT III (ADHOC), MANJERI
CC.535/2000 of JUDL.MAGISTRATE OF FIRST CLASS COURT, TIRUR

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REVN. PETITIONER: REVISION PETITIONER/APPELLANT/ACCUSED

MURUKAN, S/O VELAYUDHAN,
ACHARI, MADAPPURAM HOUSE, ETTUMANOOR,
NOW RESIDING AT MSP CAMP, AREACODE.

BY ADV. SRI.VIJU THOMAS
SMT.M.MEENA JOHN

RESPONDENTS: RESPONDENTS/COMPLAINANT & STATE

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1. KUNHIMUHAMMED, S/O KUTTY HASSAN HAJI,
PALLIPPATT THUMPAN HOUSE,
CHORIYAMUNDAM AMSOM, THALAKKADATHUR DESOM.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI. C.M. KAMMAPPU, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 09/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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CRL. R.P. NO. 1506 OF 2007

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Dated this the 9th day of April 2007

O R D E R

The revision petitioner stands convicted for the offence under section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for six months and to pay a compensation of Rs. 1,00,000/- vide Section 357(3) Cr.P.C and in default to undergo simple imprisonment for two months.

2. The contention of the revision petitioner is that two signed cheques was stolen. In view of the fact that the contention of the revision petitioner/accused was rightly rejected by the courts below on a consideration of the evidence adduced in the matter, I find no scope for interference in exercise of the revisional jurisdiction of this Court with respect to the appreciation of evidence by the courts below. In the circumstances, the conviction is confirmed.

3. Considering the plea of the counsel for the revision petitioner, sentence is modified to imprisonment till rising of the court. The rest of the sentence is confirmed. The revision

petitioner is granted six months time from today onwards to pay the amount of compensation. The revision petitioner shall appear before Judicial First Class Magistrate, Tirur on **10.10.2007** to receive sentence. Non bailable warrant pending if any shall be kept in abeyance till then.

The Crl.R.P is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

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